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RICHARD KADREY, et al.,

*Individual and Representative Plaintiffs,*

v.

META PLATFORMS, INC.,

*Defendant.*

Case No. 3:23-cv-03417-VC

**PLAINTIFFS' STATEMENT OF  
RECENT DECISION**

Pursuant to Civil Local Rule 7-3(d)(2), Plaintiffs respectfully submit this Statement of Recent Decision concerning Meta’s motion to dismiss, which is noticed for hearing on February 27, 2025. Earlier today, Judge Rakoff of the United States District Court for the Southern District of New York issued an opinion denying OpenAI’s motion to dismiss a claim brought by The Intercept Media, Inc. under Section 1202(b)(1) of the Digital Millennium Copyright Act (“DMCA”). *See The Intercept Media, Inc. v. OpenAI, Inc.*, No. 24-cv-1515, Dkt. No. 127 (S.D.N.Y. Feb. 20, 2025). Judge Rakoff previously issued a “bottom-line” order denying OpenAI’s motion to dismiss The Intercept’s § 1202(b)(1) claim for lack of Article III standing and failure to state a claim while indicating he would later issue a full opinion. Today’s decision is that opinion.

Plaintiffs cite the bottom-line order and underlying briefing in *The Intercept Media* in their opposition to Meta’s motion to dismiss, Dkt. 426 at 4-5, and Meta cites *The Intercept Media* in its reply, Dkt. 447 at n.1, in the context of Article III standing. Judge Rakoff’s opinion also discusses the legal sufficiency of § 1202(b)(1) factual allegations, which was briefed here as well. *See* Dkt. 413 at 8-10; Dkt. 426 at 6-9; Dkt. 447 at 4-6. A copy of today’s opinion is attached as Exhibit A.

Dated: February 20, 2025

By: /s/ Maxwell V. Pritt  
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